

INTERLAKEN TOWN, UTAH

A WATER SYSTEM ORDINANCE

Amendment No. 1

February 1, 2016

ORDINANCE NO. 4

AN ORDINANCE ENACTING WATER SYSTEM OPERATING REGULATIONS INCLUDING COLLECTIONS AND ENFORCEMENT AND RELATED MATTERS.

WHEREAS, Section 10-8-14 of Utah Code Annotated 1953, as amended, authorizes municipalities to own and operate water systems; and

WHEREAS, Interlaken Town desires to acquire a water system and own it; and

WHEREAS, Interlaken Town desires to adopt a water system operating and enforcement ordinance:

NOW THEREFORE, BE IT ORDAINED by the Town Council of Interlaken Town, Wasatch County, Utah, as follows:

Section 1. The Town Council finds that it is in the public interest for the Town to acquire the water system of the Interlaken Mutual Water Company and to adopt an operating and enforcement ordinance. Consistent with Section 10-8-14 and other provisions of the Utah Code, the Council hereby adopts the operating and enforcement ordinance for a culinary water system as set forth below.

Section 2. It is hereby declared that all parts of this Ordinance are severable, and if any section, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, clause or provision shall not affect the remaining sections, clauses or provisions of this Ordinance.

Section 3. All ordinances, orders and regulations or parts thereof heretofore adopted or passed which are in conflict herewith are, to the extent of such conflict, hereby repealed, including any action on a building moratorium previously taken by the Town Council. This repealer shall not be construed so as to revive any ordinance, order, regulation or part thereof heretofore repealed.

Section 4. Immediately after its adoption, this Ordinance shall be signed by the Mayor and Town Clerk and shall be recorded in the ordinance book kept for that purpose. This Ordinance shall be published once in the Wasatch Wave, a newspaper published and having general circulation in the Issuer, and shall take effect immediately upon its passage and approval and publication as required by law or after 20 days, whichever is first.

PASSED, APPROVED AND ADOPTED this December 7, 2015.

Mayor

ATTEST:

Town Clerk

(S E A L)

1 WATER SYSTEM OPERATING AND ENFORCEMENT ORDINANCE

1.1 Definitions and General Policies

- 1.1.1 A “Water Connection” is an authorized physical connection to the Town’s water system in order to receive delivery of water from the Town. Each Water Connection includes a water meter so that water usage may be monitored. A Connection Fee as set forth in the Town’s Fee Schedule is required for each Water Connection.
- 1.1.2 A “Service Connection” is a previously established right to receive water service from the Town for one standard residential connection, i.e., 0.4231 acre-feet of water for indoor culinary use.
- 1.1.3 “Water Dedication” is a requirement to dedicate to the Town sufficient water rights, of a nature and type which are acceptable to the Town, to adequately meet the needs of new developments, as determined by Town. Unless otherwise approved by the Board, this consists of 0.4231 acre-feet of water per standard residential connection.
- 1.1.4 A “Connection Fee,” as used in the Town’s Fee Schedule, consists of the approximate average actual cost for physical connection to the main water system, as defined in the Impact Fees Act (U.C.A. § 11-36a-101 *et seq.*) or its successor. The Connection Fee is set forth in the Town’s Fee Schedule.
- 1.1.5 An “Impact Fee,” as used in the Town’s Fee Schedule, consists of the payment imposed upon new residents/developers for new development activity necessary for the use of occupants or users. The Town’s Impact Fees are set forth in the Town’s Fee Schedule.
- 1.1.6 “Water Rates,” as used in the Town’s Fee Schedule, consist of the rates charged by the Town for water usage in accordance with the Water Rate Schedule set forth in the Town’s Fee Schedule.

1.2 Water Connection and Meter Installation

- 1.2.1 Applications for service shall be made on forms provided by the Town and shall include the address and legal description or tax identification number of the lot(s) or property to be serviced. The application must also describe how the applicant intends to provide the water necessary for the development as described in section 8.2.2 below. Upon submission of a complete application and any other information requested by the Town, a letter of availability of service may be requested. Any letter of availability of service or intent to provide water service sent from or by the Town shall expire after one year from the date thereof and is of no force or effect after such time. The letter of availability of service applies to the development project as proposed in the application submitted.
- 1.2.2 The applicant is responsible for providing all of the water needed for the applicant’s development unless water has already been dedicated or otherwise provided for. This

requirement may be met by either: (a) dedication of sufficient water rights (and sources if necessary) to meet the Town's "water dedication" requirement for each lot and parcel within the development; or (b) a fee-in-lieu of water dedication for each lot and parcel if there are "service connections" available and the applicant is next in line on the waiting list for those service connections. Applicants that do not have the necessary water to meet the Town's water dedication requirements are placed on a waiting list in the order in which such applications are received. If service connections become available when an applicant is next in line on the waiting list, the applicant will be notified and shall have fifteen days to purchase those service connections. Any service connections remaining un-purchased at the end of that 15 day period shall be made then be available to the next applicant on the waiting list. If an applicant sells his/her property before a connection is approved, the application and its position on the waiting list may be transferred to the new purchaser with the approval of the Board.

- 1.2.3 Service connections are permanently attached to the lot(s) they serve or were intended to serve. Service connections owned by the Town will become appurtenant to specific lots upon the sale of such service connections to applicants for water service. There shall be no sale or transfer of service connections once attached. In the event that the Town has available service connections, the Town shall sell one Town service connection. The cost of purchasing an available service connection is the amount of the fee-in-lieu of water dedication mentioned in the previous section.
- 1.2.4 Once an applicant has acquired sufficient service connections and/or has met the water dedication requirements, the Board shall review the applicant's application at the next Council meeting. If the application is approved by the Council, the applicant will be notified and given fifteen days from the date of notice to pay all remaining fees, including the impact and connection fees, after which such approval shall expire. The connection fee is for a standard connection with no road crossings and no long laterals to the meter box. The applicant is responsible for all extra costs associated with a non-standard connection. The amount of the fees shall be determined using the Fee Schedule in effect at the time the application is approved. Water service shall be provided to new connections in the order in which connection fees are paid on approved applications.
- 1.2.5 All culinary connections shall be made directly to Town water mains located in easements immediately adjacent to or upon the property receiving the service. Installation of private water lines across adjacent lots, building premises, or property owned by others shall not be permitted. The Town shall not be responsible for providing pressure boosting facilities to any new connections. If the Town's water source, storage, and/or delivery facilities do not have adequate capacity or are not physically capable of delivering the water service necessary for a proposed new development project, the developer shall be responsible for all costs associated with providing the required capacity and/or physical capability for such service.
- 1.2.6 All customers of the Town must be metered. All meters must be installed through the Town. An applicant may request or propose a location for meters; however, the final

decision as to the location is in the sole discretion of the Town. If, for any reason, any meter fails, does not register accurate readings, or cannot be read, Town personnel may make an estimate of usage based on historical usage and other relevant information and then repair or change out the meter.

- 1.2.7 Each building or unit shall be serviced through its own separate water lines. Two or more buildings or units on the same property may be serviced through a single connection only upon written authorization by the Town, which authorization is in the Town's sole discretion. Furthermore, property owners must agree to be responsible even after any separation of ownership by sale or otherwise of one or more of the buildings or units until the new owner(s) have signed new applications and new connections have been made at the expense of the owners. Where service is currently being provided to two or more buildings or units through a single connection, the Town may, in its sole discretion, either refuse further service until separate connections have been made or continue to provide service on the condition that the property owner be responsible for all payments due the Town for each such building or unit and to remain responsible therefore even after any separation of ownership by sale or otherwise of one or more of the buildings or units until the new owner(s) have signed new applications and new connections have been made at the expense of the owners.
- 1.2.8 No individual water supply system shall be used or permitted on any lot or group of lots.
- 1.2.9 Water usage will be monitored by Town personnel and water meter readings collected, recorded and submitted to the Town Manager for billing purposes. Each property owner must allow the Town access to its meters, wherever located, and to all other lines and facilities belonging to, and/or operated by, the Town that are within the boundaries of the property being serviced by the Town.

1.3 Water Rates

- 1.3.1 All water customers with improved lots must be metered and shall be charged a basic monthly fee, plus a water usage fee, as set forth in the Fee Schedule.
- 1.3.2 All water customers with unimproved lots, either metered or unmetered, shall be charged a minimum of the basic monthly fee, regardless of whether or not any quantity of water is used, as set forth in the Fee Schedule.

1.4 Inspections

- 1.4.1 Prior to commencing any service, Town personnel shall have the right to inspect all plumbing lines, laterals, connections, and related facilities within and upon the premises. If Town personnel do not approve of the same, the applicant shall cause each deficiency identified to be corrected at the applicant's sole expense so as to meet the requirements of the Town and of any other governmental entity having jurisdiction.

- 1.4.2 All customers have the duty to keep their plumbing, lines, laterals, connections, and related facilities operational and in good repair and shall promptly repair any leaks and defects at their own expense. After service has commenced, Town personnel shall have the right to inspect all lines, laterals, connections, related facilities, and reasonably accessible plumbing within and upon the premises with reasonable notice to the customer to ensure that the Town's rules and regulations are being complied with and may require that leaks, defects, and/or violations be corrected.

1.5 Septic Systems

- 1.5.1 No septic systems may be installed within the boundaries of the Town.

1.6 Rented Premises

- 1.6.1 The owner of leased premises shall be responsible and liable for all water services furnished to the tenants of the owner. Billing for water services will be sent to the owner. The owner may pass the costs billed on to the tenant or tenants but the owner is responsible for making payment on the billing. A separate billing will be made for each meter the owner has installed.
- 1.6.2 All new applications for service to leased premises shall be made by the owner.

1.7 Applications

- 1.7.1 Whenever a person desires a meter installation, he shall make written application to the Water Master and sign an agreement that, among other things, he will be governed by such rules and regulations as may be prescribed by the Town.

1.8 Unauthorized Use of Water

- 1.8.1 If any water customer shall permit any person from other premises or any unauthorized person to use or obtain water from his building, premises, or fixtures, whether inside or outside a building, the supply of water may be terminated, after being notified by the Town Manager. In addition, such person shall pay for any and all damage to Town property.

1.9 Penalties

- 1.9.1 Failure to make the necessary applications, give notice, make payment on the bills rendered, or abide by all the Town's rules and regulation shall subject the person to the applicable fees or penalties set forth in the Fee Schedule.

1.10 Billing

- 1.10.1 All water customers shall be billed monthly or annually. The bill will include a statement for water service and may include a statement for i provided by the Town.

When such a consolidated statement is furnished, the bill shall show the separate charges due for the respective services furnished; provided, however, that all customers shall pay the total sum of the charges contained on said billing.

- 1.10.2 Customers are responsible for water lost through leaks on the customer's side of the meter. Therefore, credits will be issued to customers only for errors in billing.

1.11 Delinquent Accounts

- 1.11.1 All bills rendered for water service or any other valid charge made by the Town shall become past due on the twenty-sixth day of the month in which billed. After thirty days from mailing, the Town shall give notice that the Account is past due and delinquent and that service may be discontinued unless payment is made in full or appropriate arrangements for payment are made. All past due accounts are subject to interest and late fees as set forth in the Fee Schedule.

- 1.11.2 If delinquency continues for sixty days after the notice of delinquency, water service will be discontinued after a final 24 Hour Delinquency Notice is hand delivered to the service address by the Town. After the expiration of this final 24-hour notice, the Town may disconnect the water service associated with the delinquent account and may seek any or all remedies allowed by law to recover the delinquent amount. The disconnection and reconnection fees set forth in the Fee Schedule shall apply to any such disconnections. In the event an owner owns or controls more than one lot, the Town shall apply any payment first to any and all undeveloped lot(s) and then to developed lot(s). Payments will be first applied to past due billings and second to the current billing in the following order: first to billings for any services provided additional to Water Service Fee, such as the Utility Transportation Fee (road maintenance and repair), and lastly to the Water Service Fee. If insufficient to pay for both the Water Service Fee and other services, payment for the Water Service Fee will be deemed delinquent.

1.12 Control of Cross Connection and Backflow

- 1.12.1 All connections to the Town culinary water system shall conform to the Uniform Plumbing Codes as adopted by the State of Utah and the State of Utah Public Drinking regulations. The purpose is to protect the public potable drinking water supply from contamination or pollution by backflow within the distribution system. Compliance with these minimum safety codes will be considered reasonable vigilance for prevention of contaminants or pollutants which could backflow into the public drinking water system.

1.12.2 Definitions

- 1.12.2.1 Backflow: The reversal of the normal flow of water caused by either back pressure or back siphonage.

- 1.12.2.2 Back pressure: The flow of water under pressure into the potable water supply system lines from any source other than the intended source.
- 1.12.2.3 Backflow prevention assembly: An assembly designed to prevent backflow (Utah Plumbing Code Appendix J, Chapter 10)
- 1.12.2.4 Cross connection: Any physical connection or arrangement of piping or fixtures which may allow non-potable water or other material of questionable quality to come into contact with potable water inside the distribution system. This includes any temporary connections, including swing connections, removable sections, four-way plug valves, or other similar plumbing arrangements.
- 1.12.3 Each resident shall purchase, install, test, and maintain an approved backflow prevention assembly on the water meter connection at each resident's property line. Each resident shall arrange to have the Town witness the testing of each backflow prevention assembly at the time it is installed.
- 1.12.4 Cross connections of any type are prohibited.
- 1.12.5 The Town shall inspect the water system on a regular basis for cross connections and backflow prevention assemblies. The Town shall also provide public awareness information to its residents annually concerning prevention of cross connections. Town personnel shall participate in approved cross connection training annually and shall create and maintain records of all cross connection and backflow prevention assembly surveys and inspections, incidents, corrective actions, enforcement actions, and the locations of backflow prevention assemblies. These records shall be maintained for a period of at least five years.
- 1.12.6 Each resident's own water lines shall be open for inspection at reasonable times to an authorized representative of the Town to determine whether cross connections exist and whether an approved backflow prevention assembly is in place and function properly. A resident found to have a hazardous condition will be required to install one or more backflow prevention assemblies at his own expense.
- 1.12.7 Water service to locations found in violation with no plan for correction shall be discontinued by the Town per disconnection procedures described in Section 1.11.2 of this Ordinance or immediately, with notice, if a serious threat to health or safety exists. Restoration of water to that location shall not occur until such defects are corrected and the re-connection fee paid.

1.13 Flood Control

- 1.13.1 It is the responsibility of residents to preserve existing drainage ditches for the purposes of Town drainage and flood control. Specifically, residents must install a culvert any time an existing roadside drainage ditch is intersected or bridged by construction, and

must restore any roadside ditches along the periphery of their lot which may become obscured by construction.

1.14 Prohibited Acts

- 1.14.1 No person shall, after water services has been terminated for non-payment or for the violation of the rules and regulations pertaining to the water system of the Town, turn on or allow water to be turned on or used without authority from the Town.
- 1.14.2 No person shall destroy, deface, injure, or interfere with the operation of any part, pipe, fixture, appliance, meter or appearance of the Town water system.
- 1.14.3 No person shall place, cause to be placed, or induced into the Town water system or any source of water supplying said system, any matter, substance, chemical, or compound poisonous to the human life or harmful to human health.
- 1.14.4 It shall be a Class B misdemeanor for any person who violations any portion of this Section 1.14.

1.15 Town Liability for Damages

- 1.15.1 The Town shall not be held liable for damages to any water customer by reason of stoppage or interruption of his water supply caused by scarcity of water, accidents to works or mains, alterations, repairs or from other unavoidable causes.